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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,540	11/02/2001	Suzy Brown	4407P005	6075

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EXAMINER

MULLEN, THOMAS J

ART UNIT PAPER NUMBER

2632

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/053,540

Applicant(s)

BROWN ET AL.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004 and 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-22, 24-38 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-11, 13-20, 22, 24-28, 30-38 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 12, 21, 29, 40 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. *(in-part)*  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The amendments filed 8/6/04 and 9/10/04 have been fully considered. The proposed drawing changes are approved, EXCEPT as set forth in paragraphs 2-3 below.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following elements must be shown or the feature(s) canceled from the claim(s):

"telephone communication link/interface" (claims 14, 18, 31 and 34--note specification paragraph 29, lines 14-16); and

"dedicated channel" and "pre-existing inventory control system" (claim 35--note specification paragraph 31, lines 4-6).

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 260, 270 (in Fig. 2 as amended).

A corrected drawing sheet in compliance with 37 CFR 1.121(d), or (preferably) an amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b), is required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

TM  
10-4-04  
4. Claims <sup>11, 28 and 31-37</sup> ~~1-37~~ are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 3, it appears that "weight or" should be --weight of-- (see paragraph 24, line 8 in the specification).

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In claim 28, line 3, it appears that "absence or" should be --absence of-- (see paragraph 24, line 8 in the specification).

In claim 31, the dependency of the claim (if any) is unclear, since "22" (line 1) was deleted in the response.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 22 and 24-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22, last 3 lines, it is unclear what is meant by "the objects affected by the entity", as to how an object is "affected by" the entity, and as to how these "objects" are to be distinguished from the other ones of the collectively recited "objects" which are not so "affected".

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-5, 7, 10, 13-14, 22, 24, 27, 30-31, 38 and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghaffari et al (US 5708423).

Note in Ghaffari et al (Fig. 1), "machine" (reader 56, local control 60, host 66), which is a "data processing system (that) automatically maintains records of respective locations of a plurality of objects in real time...(by) maintain(ing) a data record with respect to each of the objects indicating the present location in (a) building of each of the objects" (Abstract). Each object has secured thereto an "object marker" 54 which "transmits an identification signal that is unique to the respective object" (Abstract). Sensor devices (in the form of "portal antennas" 52) are "installed at respective doorways of (the) building" (Abstract), and enable the reader 56 to detect not only the presence of an object at the portal or doorway (according to its "identification

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signal") but also the "direction in which the object is being moved through the doorway" (Abstract). The reader 56, responsive to such detection, is capable of controlling an "electro-mechanical door lock...installed as a locking device for a door...which selectively prevents passage through the portal" (col. 4, lines 43-51). See also col. 15, lines 6-17, regarding the selective door locking/unlocking at the portal. Ghaffari et al teaches that the reader 56 may also be responsive to devices identifying an "entity", such as a "biometric" (e.g. fingerprint or palm geometry) reading unit, "ID badge" reader, etc (col. 4, lines 51-54), and may also determine whether or not passage of either a "person" (entity) or an "asset" (object) through the portal/doorway is "authorized" (col. 4, lines 54-57). The reader "exchange(s) data" with control module 60 (col. 4, line 58 to col. 5, line 12), the control module 60 having a "database" associated therewith which "stores information (including) the identification codes of markers (54) that are authorized for passage through the portal (52)...(and) identification codes representative of individuals authorized to move the markers and associated objects through the portal (52)". The control module 60 in turn uploads specific "passage"-occurrence information to host computer 66 (col. 5, lines 29-42), "enabling the host 66 to maintain a virtually real-time record of the movements of articles to which markers (54) are attached".

Thus, reader 56, local control 60 and host 66 in combination constitute (or include) a "machine-readable storage medium" (e.g., a hard drive or floppy disk or CD-ROM, inherently associated with at least one of elements 56, 60 or 62 or with the "database") or "processing unit/memory" in a "computer system", such storage medium/processing unit/memory capable of performing a "method" or "process" for automatically associating an "identity of an entity" with the "movement of one or more objects in a controlled-access location", wherein the "biometric" (e.g. fingerprint or palm geometry) reading unit, "ID badge" reader, etc (discussed above) determines the "identity of an entity"; the reader 56 in combination with portal antennas 52 (discussed above) determines the "movement of one or more objects"; and the "controlled access location" or "controlled space" corresponds to the "building" (discussed above--see Fig. 3), having a plurality of "asset control" or "movement tracking" zones separated by the above-described "portals" (52-1, 52-2, etc. in Fig. 3). See col. 13, line 50 to col. 14, line 37 regarding the "zones". As discussed above, if an association between the "entity" (passing from a first "zone" into a second "zone") and a given "object" is determined by the reader 56 (in combination

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with antennas 52 at the portal) to be "authorized", an "electro-mechanical door lock" is selectively unlocked to allow the entity to have access to the controlled-access location (i.e., the "second zone" discussed above).

Further regarding claims 1, 22 and 38 as amended, the reader 56, local control 60 and host 66 in combination constitute a "wireless tracking system coupled to a computer system", which is associated with the controlled-access location (or "building") defined by the different "zones" (Fig. 3), so as to "indicat(e) the present location in the building of each of the objects" (Abstract); i.e., the tracking system coupled to the computer system "monitor(s) the location and movement of the entity and objects within the controlled space", and is "wireless" as to the detection of the objects via portal antennas 52.

Regarding claim 2, reader 56 corresponds to the "controller associated with the controlled space", for unlocking the "locking mechanism" discussed above.

Regarding claims 3-5, Ghaffari et al determines "authorization" status of the person and/or object at the portal, as discussed above, and further teaches providing various "notifications" regarding movement or status of objects, i.e. "events" that may be "displayed on a monitor...in a facility security office" (col. 5, lines 16-21); note also e.g. the "alarm" steps 262 and 292 in the flow charts of Figs. 16B and 17B, respectively.

Regarding claims 7 and 24, markers 54 are "tags" which communicate via a "wireless link" (see Fig. 14 and col. 11, line 4 to col. 12, line 22, regarding the components and operation of the marker 54).

Regarding claims 10 and 27, note video camera 62 (Fig. 1 and col. 5, lines 16-24).

Regarding claim 30, it is implied in Ghaffari et al that when the electro-mechanical door lock is selectively operated to allow passage of an authorized person and/or object, such lock would subsequently be "re-locked" after such passage (either when the door re-closes or after a predetermined time period, as is understood in the art), such that "all other entities" would implicitly be "automatically lock(ed) out" until further authorization is granted (at that portal or some other portal); also, since host 66 maintains "a virtually real-time record of the movements of articles" as discussed above, the system thus "account(s) for all remaining objects in the controlled-access location" prior to such further authorization.

Regarding claims 13-14, 31 and 41, host 66 is implicitly a "server", note that it may be connected to (and thus receive specific "passage"-occurrence information from) "several hundred (local control) modules (60)" (col. 5, lines 40-42).

Regarding claim 42, Ghaffari et al additionally teaches that "reports" may be generated, including data of "present and past locations of objects", for the purpose of "inventorying assets", etc (col. 5, lines 43-49); since host 66 maintains "a virtually real-time record of the movements of articles" as discussed above, the system thus inherently "decrements or increments inventory levels or changes in status of objects" in response to data transmitted to the server/host 66.

Regarding claim 43, as discussed above Ghaffari et al teaches "correlating" the movement or status of objects with the "responsible" entity.

9. Claims 9, 11, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari et al.

Although the marker 54 in Ghaffari et al is apparently operable at selected radio frequencies (see again Fig. 14 and col. 11, line 4 to col. 12, line 22, regarding the components and operation of the marker 54), one skilled in the art would have recognized that any of the wide variety of known tags or markers may be usable in the Ghaffari et al system, such as the contact-based or barcode types recited in claims 8-9 and 25-26; therefore, it would have been obvious to use the Ghaffari et al system with contact-based or barcode type "tags", in order to increase the flexibility of applying such systems to pre-existing "controlled-access locations" and/or already-tagged sets of inventory. Regarding claims 11 and 28, it would have been obvious to implement weight sensors or other types of location/object-specific sensors in combination with the portal sensors in Ghaffari et al, in order to provide a more detailed or specific account of the movement of particular objects within the inventory.

10. Claims 15-20 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari et al, further in view of Lucas (US 2001/0051905).

Ghaffari et al additionally teaches that "reports" may be generated, including data of "present and past locations of objects", for the purpose of "inventorying assets", etc (col. 5, lines 43-49). Ghaffari et al fails to teach that access to information in host computer 66 may be

granted to "client computers" coupled to the server/host 66 through a "network". However, at the time of the invention it was well known to provide remote, network-based access to inventory-related data at a facility; for example, Lucas discloses a system and method "which allows third-parties to monitor company inventory via the Internet and World Wide Web...and automatically order needed items" from suppliers, manufacturers, or distributors based on such information (this system is described as a "vendor managed inventory", or VMI, system--see paragraphs 7 and 17-18 in the Lucas specification). It would have been apparent to those skilled in the art that third parties accessing the Internet from "client computers" in Lucas (note "Customer Inventory System" 130--Fig. 1 and paragraph 19) may contact the "server" (such as host 66 in Ghaffari et al) and make inventory-related decisions associated with building 208 of Ghaffari et al, thus enhancing the functionality of the Ghaffari et al "inventory" system.

Therefore, it would have been obvious to combine the teachings of Ghaffari et al and Lucas, as in claims 15-16 and 32-33. Regarding claims 17-18 and 34, Lucas further teaches "automatically contacting" (or notifying) the suppliers, manufacturers, or distributors as needed (paragraph 9 in Lucas). Regarding claim 35, note "Customer Inventory System" 130 in Lucas discussed above. Regarding claims 19 and 36, the "automatically order(ing) needed items" in Lucas, discussed above, corresponds to objects being "automatically replenished". Regarding claims 20 and 37, Lucas further teaches aspects of "automatic billing" (see e.g. paragraph 92, last 5 lines).

11. Claims 12, 21, 29, 40 and 44 would be allowable if rewritten to overcome the objection(s) under 37 CFR 1.75(a) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Applicant's arguments filed 8/6/04 have been fully considered but they are not persuasive.

Applicant argues that Ghaffari et al "cannot tell a user where the object (or entity) is within the controlled space", because Ghaffari et al "can only monitor movement in a sensor equipped doorway and not within the controlled space". However, as set forth in the rejection above, the "controlled space" in Ghaffari et al is a building (note the floor plan 208 thereof in Fig. 3), and the doorway sensors (52,56), positioned at doorways within the building, enable the



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system to determine in which room, or "zone", the object and entity are presently located (see the last 2 lines of the Abstract, and col. 13, line 50 to col. 14, line 37 regarding the "zones"), by detecting both the presence and the direction of movement of the objects/entities (as discussed in paragraph 8 above). In other words, each doorway separates two zones (the doorways and zones being collectively within the "controlled space", i.e. the building), and since the system determines direction of movement through the doorway (e.g. from zone A to zone B), the system is thus capable of determining at any given time in which zone of the building an "entity" and an associated "object" are located --i.e., where the object or entity is within the controlled space.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

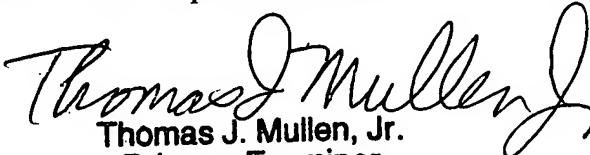
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
Art Unit 2632